THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5569 OF 2006

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DATED: 21-03-2006

BETWEEN

S. Narsimhulu @ Narasimhabbari,

S/o. Raghavulu, Occ: Carpenter,

R/o. Indiranagar, Gachibowli,

Serilingampally Mandal,

Ranga Reddy District.

...PETITIONER

AND

The District Collector,

Ranga Reddy District,

Lakdikapool,

Hyderabad and another.

...RESPONDENTS

ORDER:

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Petitioners seek a Writ of Mandamus to direct the respondents to construct pucca fencing to the surrendered land to an extent of 2841.50 sq. meters situated in Sy.Nos.48 and 49 of Gachibowli Village and fix the boundaries so as to restrict the encroachers from encroaching upon the petitioners' land to an extent of 0-38 guntas in Sy.Nos.48 and 49, Gachibowli Village, Ranga Reddy District.

Learned counsel for the petitioners submits that the petitioners have made a representation dated 23.12.2005 before the District Collector – first respondent stating that they are the pattadars of the land admeasuring Ac.1.36 guntas in Sy.Nos.48 & 49 of Gachibowli Village and out of which an extent of 0.37 guntas was sold to one

Mr. Haribabu through registered sale deed vide Document No.9226 of 1990 dated 23.07.1990 and the balance land of an extent of 0.38 guntas is in their possession. They have filed proceedings before the Special Officer, ULC in CC No.H1/5380/76 dated 28.02.1989 and the Special Officer passed final orders declaring the total land of an extent of 2841.50 sq. meters in Sy.Nos.48 & 49 as surplus land and they have already surrendered the said surplus land under the cover of panchanama on 24.12.1993 but the Government has not constructed any boundary or pucca fencing for the said land. Accordingly, it is stated in the said representation that one Mr. Hari Babu along with some land grabbers encroached the entire surplus land, which was surrendered by them to the Government. Therefore, a request was made to construct a compound wall or pucca fencing for the said Government land immediately.

I am of the opinion that when the petitioners themselves have sold certain extent of land in favour of Mr. Hari Babu, it is for him to get regularization of the said surplus land under the ULC Act and the petitioners cannot have any objection for the regularization. However, without impleading the said Hari Babu, the petitioners are not entitled for any relief in this writ petition. If the Government is not constructing a compound wall or pucca fencing, the petitioners cannot demand or command the Government to construct a compound wall or pucca fencing in respect of the surplus surrendered by them to the Government. Therefore, I do not see any merits in the writ petition.

The writ petition is accordingly dismissed.

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V. ESWARAIAH, J

March 21, 2006

DSK